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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,455	12/05/2003	Harold R. Van Aken	97634.00177	1078

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EXAMINER	
BLACKMAN, ANTHONY J	

ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/729,455	VAN AKEN ET AL.	
	Examiner	Art Unit	
	ANTHONY J. BLACKMAN	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/4/04,3/26/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. Examiner has considered both Information disclosure Statements (IDS) received 5/4/04 and 3/26/04.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 recites the limitation "the second color coordinate" in lines2 and 3. There is insufficient antecedent basis for this limitation in the claim. Examiner understands that "coordinate" should be replaced with calibration, but applicant must correct the error. Accordingly, claim 5 will be evaluated as best understood.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by HOLUB, US Patent No. 6,157,735.

6. As per claim 1, Examiner interprets HOLUB to disclose the following features and limitations as claimed,

A method for transforming color measurement data (col 9, lines 41-59), comprising:

(a) providing a data transform or delta profile for transforming color measurement data from a first color calibration standard to a second color calibration standard (col 9, lines 41-59 provides a color transformation measurement means between particular nodes of a network to another or other nodes of the network that is analogous to the transforming means as claimed, further, inherently, each node is a network location and the nodes develop data transformation through Virtual Proofing);

(b) obtaining color measurement data using a first color measuring instrument based on the first color calibration standard (col 9, lines 50-53); and

(c) selectively transforming the color measurement data using the data transform or delta profile (HOLUB discloses an equivalent to the data transform discussed at col 9, lines 41-59), so as to restandardize (the reviseability means is analogous to restandardizing) the color measurement data to the second color calibration standard (col 9, lines 57-59).

7. As per claim 2, HOLUB meets limitations of claim 1, including, wherein the data transform or delta profile is stored in a computer memory (the data transform means is analogous to the information for color transforming of col 9, lines 48-50) and is accessed by a processor (each node has a micro-processor –col 12, lines 2-17 and

each node utilizes a data a structure , referred to as a Virtual Proof (col 1, lines 10-23 and col 9, lines 41-59).

8. As per claim 3, HOLUB meets limitations of claim 1, wherein said selective transformation is effected in response to a user command (col 9, lines 29-40 and col 14, lines 36-40).

9. As per claim 4, HOLUB meets limitations of claim 1, wherein said selective transformation is effected automatically upon obtaining color measurement data using the first color measurement data (col 14, lines 32-36 the calibration data bears similar results to the measurement data).

10. As per claim 5, HOLUB meets limitations of claim 1, further comprising comparing the restandardized color measurement data to other color measurement data generated using the second color coordinate system (first see col 13, lines 56-63 for the comparing means of the dynamic Virtual Proof (VP) for Color measuring Instruments (CMIs) and col 14, lines 30-40).

11. As per claim 6, HOLUB meets limitations of claim 1, further comprising updating the data transform or delta profile based on current color measurement data measurements (the data transform means is analogous to the information for color

transforming see col 9, lines 41-60 and the reviseability is analogous to (dynamic) VP updating).

12. As per claim 7, HOLUB meets limitations of claim 1, wherein the first color measuring instrument is a spectrophotometer (col 14, line 62-col 15, line 13).

13. As per claim 8, HOLUB meets limitations of claim 1, wherein the first color measuring instrument is a colorimeter (col 14, line 62-col 15, line 13).

14. As per claim 9, HOLUB meets limitations of claim 1, wherein the selective transformation (bears similar results to user preferences) restandardizes the color measurement data from a first centroid to a second centroid (see col 41, lines 15-26 and the centroids are the inherent color region or color area or color gamut of the specific color for each node).

15. As per claim 10, HOLUB meets limitations of claim 1, wherein a plurality of data transforms or delta profiles are provided, each of the plurality of data transforms or delta profiles permitting transformation of color measurement data between distinct color calibration standards (col 41 lines 9-26 discuss user-preferences revise color-to-color transforms based on the processing of the color error data and bear similar results to pluralities of data transforms and the calibration also bear similar results to the measurement means and see figs 19 and 20).

16. As per claim 11, claim 11 is substantially similar to claim 1. Claim 11 adds claimed network means that is already explained in claim 1 (a) regarding the relation between networks and nodes in controlling information for transforming color.

17. As per claim 12, claim 2 is substantially similar to claim 12.

18. As per claim 13, claim 3 is substantially similar to claim 13.

19. As per claim 14, claim 9 is substantially similar to claim 14.

20. As per claim 15, claim 5 is substantially similar to claim 15.

21. As per claim 16, claim 10 is substantially similar to claim 16.

22. As per claim 17, claims 1 and 11 are substantially similar to claim 17. Each node has a micro-processor based computer (col 12, lines 8-13) and the Virtual Proofing data structure of each nodes stores information for transforming color (col 9, lines 48-50).

23. As per claim 18, claim 8 is substantially similar to claim 18.

24. As per claim 19, , claim 10 is substantially similar to claim 10.

25. As per claim 20, claims 2 and 12 are substantially similar to claim 20. Claim 20 claims a color data transform transmission to one or more remote locations, this notoriously well-known feature is taught at col 8, lines 8-15.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. KUMADA, US Patent No. 6,829,058 discloses color management means over a network (see figs 1, 3, 27 and 36).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. BLACKMAN whose telephone number is 571-272-7779. The examiner can normally be reached on FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANTHONY J BLACKMAN
Examiner
Art Unit 2676

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